

REMARKS

Applicants have amended claims 3, 14, and 16. Claims 1-19 are pending.

Applicants have amended claim 3 to provide antecedent basis for the phrase "said ends."

Applicants have amended claim 14 to avoid presenting a duplicate element.

Claim 16 has been objected to as being a multiple dependent claim that fails to refer to other claims in the alternative only. Applicants have amended claim 16 to obviate the objection. Accordingly, applicants ask that claim 16 be further treated on the merits.

35 U.S.C. §103(a)

Claims 1-15 and 17-19 have been rejected as allegedly obvious over U.S. Patent No. 4,944,090 (Sumnall) in view of U.S. Patent No. 5,689,883 (Ortiz), U.S. Patent No. 6,161,287 (Swanson), and U.S. Patent No. 6,044,542 (Apprille). Claims 1-3 are the independent claims.

The Examiner alleges that Sumnall discloses each limitation of the subject claims, with the exception of: (1) elastomeric guard fins extending laterally beyond the strip ends; (2) an elastomeric material including a series of depressions; and (3) elastomeric cap fins. The Examiner alleges that Ortiz discloses elastomeric guard fins extending laterally beyond the strip ends; that Swanson discloses an elastomeric material including a series of depressions; and that Apprille discloses elastomeric cap fins.

1. The Independent Claims

Claim 1 is non-obvious over the above combination of references because, in combination, the references do not disclose or suggest a shaving blade unit having a guard including an elongated guard strip having guard strip ends, and elastomeric guard fins extending laterally beyond the guard strip ends, as required by claim 1. Sumnall, as noted by the Examiner, does not disclose or suggest elastomeric guard fins. Ortiz discloses elliptical bulges 44d in FIG. 11; however, these bulges extend only for the length of the blades (not numbered in FIG. 11). The shaving aid strip of Sumnall, however, extends across the entire length of the blades (FIG. 1), even where the strip is segmented (FIG. 5). As such, the addition of the skin-contacting element of Ortiz, which extends across the length of the blades, would result in a skin-contacting

element that extended only to the edge of the shaving aid strip of Sumnall. The claim requirement that the elastomeric guard fins extend laterally beyond the guard strip ends is not disclosed or even suggested. None of the remaining references address this claimed feature. As such, the combined references fail to disclose or suggest each limitation of claim 1, and the rejection of claim 1 under 35 U.S.C. §103(a) as obvious over the references of record should be withdrawn.

The Examiner seeks to combine Sumnall with Swanson to meet each of the limitations of claim 2, in particular the limitation requiring a guard having an elastomeric material including a series of depressions.

There is, however, no motivation to make such a combination. The razor head of Sumnall can be seen in FIGS. 1-5 to include a very small head surface 7A between the blade edges 4 and the body of soluble material 8, too small a space to insert an elastomeric guard having depressions therein. The head surface 7A is alleged by the Examiner to correspond with the guard. Based on the Sumnall disclosure, one of skill in this art would have been motivated to minimize the head surface 7A so as to maximize the volume available for the body of soluble material 8 that could be housed in the razor head. This is clear from FIGS. 1, 2 and 5, in which the head surface 7A is very small, and from col. 1, lines 46-48, which lists as important objectives a razor head having a relatively large quantity of soluble material thereon "without significantly altering desirable razor features such as head size and configuration" and "a razor head which utilizes space existing in existing razor head designs to receive a quantity of soluble material."

The elastomeric guard of Swanson, on the other hand, can be seen to take up the major portion of the razor head ahead of the blade edges. See, e.g., FIGS. 2, 4 and 5 of Swanson. Given Sumnall's requirement to not alter the razor head size and configuration, one of skill in the art would not have been motivated to combine the references, and thus there is no *prima facie* case of obviousness. None of the remaining references addresses the claimed feature of an elastomeric material including a series of depressions. As such, the references, when combined,

fail to disclose or suggest each limitation of the claim 2. Thus, this rejection of claim 2 should be withdrawn.

Claim 3 is non-obvious over the above combination of references because, in combination, the references do not disclose or suggest a shaving blade unit having an elongated cap behind the blade, the cap including a first elongated cap strip for delivering a shaving aid parallel to the cutting edge, the first elongated cap strip having cap strip ends, and elastomeric cap fins on both sides of the strip extending laterally beyond the cap strip ends. Sumnall fails to disclose or suggest elastomeric cap fins. Apprille discloses only a cap 22 that extends along the length of the blades and that may provide a lubricious shaving aid. Cap 22 does not include elastomeric cap fins on both sides of an elongated cap strip. Cap 22 is made of "a material comprising a mixture of a hydrophobic material and a water leachable hydrophilic polymer material" – in other words, a shaving aid. Col. 2, lines 45-49. Were cap 22 to include elastomeric fins, Apprille would have so stated directly, as evidenced by Apprille's so doing with regard to element 20, described at col. 2, lines 51-53 as including a "finned elastomeric unit." (Col. 2, line 51). Thus, Apprille does not disclose elastomeric cap fins.

Additionally, even were cap 22 to include an elastomeric material, cap 22 lacks a portion that extends laterally beyond the cap strip ends – the cap 22 cannot extend laterally beyond itself. Finally, given that cap 22 extends the full length of the Apprille blade and not beyond the blade in a lateral direction (see FIG. 2), to the extent that the strip 27 of Sumnall, which runs the entire length of the blade, correlates to the claimed first elongated cap strip, no part of cap 22 of Apprille would extend laterally beyond the ends of strip 27 of Sumnall. Neither patent provides any suggestion or motivation to modify either component to permit any part of the Apprille cap 22 to extend laterally beyond the strip 27 of Sumnall. None of the remaining references addresses this claimed feature.

Given the above, these references, when combined, fail to disclose or suggest each limitation of the claim 3. Thus, this rejection of claim 3 should be withdrawn.

2. The Dependent Claims

Each of the remaining claims depends from claim 1, 2, or 3, either directly or indirectly. Therefore, each of the remaining claims is non-obvious over the combined references for at least the reasons presented above. These claims are further patentable by virtue of the additional limitations contained therein. For example, the additional limitations of claim 11, namely a series of depressions arranged in a first row in front of the guard strip and a second row behind the guard strip, are not disclosed or suggested by any of the references of record. Swanson discloses depressions in the guard, but no guard strip. Even were Swanson combined with Sumnall, there is nothing in either reference to suggest the distribution of depressions required by claim 11. As another example, the additional limitations of claims 12-14, namely curved cap and/or guard fins, are not disclosed or suggested in the references of record. The bulges of Ortiz are elliptical, meaning that the surfaces are curved; however, the bulges themselves cannot be said to be curved, as they maintain symmetry along a straight line. As yet another example, the requirement of claim 16 that the cap has a second elongated cap strip for delivering a shaving aid parallel to the cutting edge of the blade is not disclosed or suggested by the references of record. None of the references include more than a single strip in the cap or in a region that might correspond to a cap. The new claims are likewise patentable over the art of record both by virtue of their dependency, either directly or indirectly, from one of claims 1, 2, and 3 and by virtue of the additional limitations therein.

CONCLUSION

Accordingly, for at least the above reasons, applicants believe that all pending claims are in condition for allowance, which action is requested.


Enclosed please find a check for \$120 for the Petition for an Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050 referencing Attorney Docket No. 00216-620001.

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Respectfully submitted,

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